

APPROVED FOR PCT/PTO 18 MAY 2006

U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE  <b>TRANSMITTAL LETTER TO THE UNITED STATES                  DESIGNATED/ELECTED OFFICE (DO/EO/US)                  CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 21441YP  U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/579652</div>
INTERNATIONAL APPLICATION NO. PCT/US2004/039050	INTERNATIONAL FILING DATE 19 November 2004	PRIORITY DATE CLAIMED 24 November 2003
TITLE OF INVENTION ESTROGEN RECEPTOR MODULATORS		
APPLICANT(S) FOR DO/EO/US Timothy A. Blizzard, Candido Gude, and Jerry D. Morgan, II		
<p><b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b></p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (PCT Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]                         <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].                         <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].                         <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].</li> </ol> <p><b>Items 11 to 20 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information:</li> </ol>		

U.S. APPLICATION NO. <b>13/2755</b> INTERNATIONAL APPLICATION NO. _____ PCT/US2004/039050		ATTORNEY'S DOCKET NUMBER 21441YP																			
The following fees are submitted: 21. <input checked="" type="checkbox"/> Basic national fee.....\$300 22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200 23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400 All other situations.....\$500 <b>TOTAL OF 21, 22 and 23=</b>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> <tr> <td>\$300.00</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>\$300.00</td> <td></td> </tr> </table>		CALCULATIONS	PTO USE ONLY	\$300.00						\$0.00				\$300.00					
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<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Total Sheets</th> <th style="width:15%;">Extra Sheets</th> <th style="width:35%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width:15%;">RATE</th> </tr> <tr> <td>- 100 =</td> <td>0 /50</td> <td>0 = 0</td> <td>X \$250.00</td> </tr> </table>		Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	0 /50	0 = 0	X \$250.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td></td> </tr> <tr> <td>\$0.00</td> <td></td> </tr> </table>				\$0.00							
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a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$300.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.																					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</b>																					
SEND ALL CORRESPONDENCE TO: <div style="border: 1px solid black; padding: 2px; display: inline-block;">Customer No. 000210</div> MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970																					
DATE: <u>May 18, 2006</u> PHONE #: <u>(732) 594-1077</u>		<div style="text-align: center;">             SIGNATURE            _____            NAME            _____            45,194            _____            REGISTRATION NUMBER         </div>																			

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AP20 Rec'd PCT/PTO 18 MAY 2006

**Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING  
A FILING UNDER 35 U.S.C. 371**

**Attorney Docket No.:** 21441YP  
**International Appln No.:** PCT/US2004/039050  
**International Filing Date:** 19 November 2004  
**Priority Date:** 24 November 2003  
**Title:** ESTROGEN RECEPTOR MODULATORS

**Inventors:** Timothy A. Blizzard, Candido Gude, and Jerry D. Morgan, II

**EXPRESS MAIL CERTIFICATE**

**DATE OF DEPOSIT** May 18, 2006

**EXPRESS MAIL NO.** EL 989590420 US

**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE  
DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR  
PATENTS P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.**

**MAILED BY** Linda Zehrer **DATE** May 18, 2006